

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



May 31, 2011

Kinley R. Bray, Esq.
Arent Fox LLP
1050 Connecticut Avenue NW
Washington DC 20036

RE: 2523 14th Street N.W. Samaritan Inns, Inc – Health Service

Dear Ms. Bray:

I have reviewed the information you have provided regarding 2523 14th Street N.W. (the “Property”), a single room occupancy (“SRO”) facility operated by Samaritan Inns, Inc., and have determined that the property may be issued an additional certificate of occupancy allowing a portion of the premises, as further described below, to be used for Health Services, pursuant to 11 DCMR § 721.1(t), while maintaining the existing SRO use on the premises.

This determination is based on the following:

1. The Property is located at 2523 14th Street N.W. and is classified within the C-2-B Zone District.
2. The Property is currently occupied by Samaritan Inns, Inc. as an SRO for men and women over the age of 18 who were formerly homeless with a history of substance abuse. No assistance with the requirements of daily living is provided on site. There are common kitchens in the building, but meals are not provided to residents. Accommodations are not transient; rather, rooms are rented to individuals who have completed Samaritan Inns substance abuse treatment program on a monthly or longer basis. The accommodations are not under the exclusive control of the occupants.
3. The current use described in Paragraph 2 is commonly known as a “Single Room Occupancy” facility (a term not defined by the Zoning Regulations), and, under the Zoning Regulations, constitutes a “rooming house” or “boarding house” as defined in 11 DCMR § 199.1. Residents of the Property have completed Samaritan Inn’s transitional housing and substance abuse programs and reside on the premises for periods of six months to a year while obtaining and maintaining employment.

4. Samaritan Inns, Inc. is authorized to operate the entire Property as a boarding house for 85 persons with "common recreation areas," pursuant to Certificate of Occupancy B160896, dated May 14, 1991.

5. Samaritan Inns, Inc. is in the process of being certified as a Residential Substance Abuse Treatment provider under the District of Columbia's Access to Recovery Program. Samaritan Inns wishes to utilize a portion of the "common recreation areas" within the existing building to administer these services. The 1,510 square foot community room (the "Facility") located on the first floor, with a separate entrance, will be used as an adult substance abuse treatment facility, offering daily *non-medical* addiction services to a small group of participants, all of whom will reside off site, on other properties owned by Samaritan Inns within walking distance of the Property. Participants will walk as a group to the Property in order to take part in activities and services, including *group and individual counseling*, which will take place in the common area on the Property. All such services will be provided during regular business hours, and will not extend into evening or overnight hours. This proposed use constitutes a "health service" use permitted as a matter of right in the C-2-B Zone District under 11 DCMR § 721.1(t).

6. The use of the Facility will not impact the existing 85 beds used for Single Room Occupancy on the Property. Participants or clients of the Facility will not have access to the rest of the Property, and residents of the SRO will not have access to the Facility.

7. Pursuant to 29 DCMR § 2368, a provider intending to provide recovery support services under the Access to Recovery Program as an adult substance treatment facility must submit to the Department of Health an application that includes a valid certificate of occupancy for "the specific services the provider intends to provide." The current certificate of occupancy for the Property does not list any such services.

8. In fact, the Zoning Regulations do not define "substance abuse treatment facility;" the only references to this term within Title 11 of the DCMR are within other definitions, and exclude substance abuse treatment from those other defined uses, including "adult day treatment facility" (199.1), "community service use" (201.4(w)(3)), and "health care facility" (199.1).

9. The proposed use of the Property is similar to, but does not qualify as a community based residential facility, because no services will be provided to the residents of the Single Room Occupancy facility within the building. All services offered within the Facility will be provided to those living off-site.

10. Use of the Facility for the clinically monitored residential treatment program, including group and individual counseling, operated by Samaritan Inn for persons not residing within the building constitutes a "health service" use permitted as a matter of right.

11. The parking regulations in Chapter 21 of the Zoning Regulations require one parking space, plus one space for each five (5) rooming units within a rooming house. 11 DCMR § 2101.1. Based on the 88 rooms within the Property, this calculation yields a parking requirement of 19 parking spaces.

12. No parking requirement is specified for health service use under 11 DCMR § 2101.1. All unlisted uses are subject to a requirement of one off street parking space per 600 square feet devoted to such use. Id. Based on the 1,510 square feet devoted to the health service use, 3 parking spaces are required.

13. Pursuant to 11 DCMR § 2100.6, when the intensity of use of a building or structure existing before May 12, 1958 is increased by the addition of employees, dwelling units, gross floor area, seating capacity, or other unit of measurement specified in 11 DCMR § 2101, parking spaces shall be provided for the addition, subject to §§ 2100.7 through 2100.9. Parking spaces shall not be required for the addition unless the addition increases the intensity of use of the building or structure by more than twenty-five percent (25%) of the aggregate. 11 DCMR § 2100.7. Parking spaces for the addition need not exceed the amount of parking spaces that would be required for the entire structure as proposed if constructed new. 11 DCMR § 2100.8. The determination of the increase of intensity of use shall be based on the total increase in intensity of use the structure undergoes on or after May 12, 1958, whether the total increase occurs at one time or in successive stages. 11 DCMR § 2100.9. Read together, these sections provide a “parking credit” for properties constructed prior to 1958, the amount of which is based upon the use existing immediately prior to May 12, 1958. *See* BZA Order No. 16839.

14. The Property was constructed as an apartment house in 1910, prior to the application of the current Zoning Regulations in 1958. The building was constructed for 47 families. *See* Permit No. 5743, April 15, 1910. Prior to Samaritan Inns’ acquisition of the Property, we understand that it was in continuous use as an apartment house.

15. Based on the parking requirement of one parking space per two dwelling units in effect on May 12, 1958, pursuant to then Section 7202.1 of the 1958 Zoning Regulations, and the 47 family units located on the property as of the earliest records, at most, the Property required 24 spaces. As such, the Property is entitled to a parking credit for 24 parking spaces.

16. The current parking regulations require a total of 19 parking spaces for the boarding or rooming house use on the Property. Based on the “parking credit” of 24 parking spaces, the Property satisfies, and in fact exceeds, the off-street parking requirements of 11 DCMR § 2101.

17. The proposed accessory health service use on the Property carries a parking requirement of 3 parking spaces, for a total of 22 required spaces. Based on the “parking credit” of 24 spaces, the Property exceeds the aggregate parking requirements of the existing primary and proposed accessory use.

18. Based on the information you have provided, I conclude that the Property may continue to be operated as a Single Room Occupancy facility (Rooming House) for 85 rooms, with common recreation areas, and that an additional certificate of occupancy may be issued authorizing the occupancy of 1,510 square feet on the first floor of the existing building for “health service use” to operate a residential substance abuse treatment facility for up to 24 program participants and 10 staff members.

19. The certificate of occupancy to be issued pursuant to this reliance letter shall read as follows:

**Health Service* 24 program participants, 10 staff
1,510 square feet, First Floor**

*Non-Hospital Residential Substance Abuse Treatment
facility pursuant to 29 DCMR § 2331

Should you have any questions about the foregoing, please let me know as soon as possible.

Sincerely,



Matthew LeGrant
Zoning Administrator